

REMARKS

Claim 1 has been amended to clarify that the re-sealable strip device contains only one strip and has a re-sealable access window over the water absorbent preparation. Support for the amendments to claim 1 can be found, for example, on page 15 of the specification at lines 15-25. No new matter has been added.

Rejections under 35 USC §102 and §103

Schoedel (US 6,927,062) discloses a Ziplock® bag or container containing a plurality of strips. See for example column 12, lines 52 - 64 and Fig. 1C. The Ziplock® bag or the container is resealable. Schoedel does not teach or suggest a re-sealable strip device containing only one strip. Nor does Schoedel teach or suggest a housing for the strip, which has one or more re-sealable access windows over the water absorbent preparation.

The present invention allows a worker to access the strip via a window over the water absorbent preparation on the strip. This allows a worker to load a single strip with a small amount of a micro-organism sample and to reseal the strip with the resealable cover. Thus, the strip can be handled aseptically, transported and stored under conditions where the microorganisms on the test strips do not have any contact to the environment and other test strips. The test strips of Schoedel, stored in a Ziplock® bag or container would influence each other. Furthermore, during the opening of a device as disclosed by Schoedel, the test strips come into contact with air entering the bag or container. This air may be contaminated with bacteria and undesired moisture.

In contrast to this, the strip of the present invention is in contact with its housing. The sample is introduced through the access window. As a result contamination is reduced or eliminated.

Thus, Schoedel is silent regarding a re-sealable strip device containing only one strip. Nor does Schoedel teach or suggest a housing for the strip that has one or more re-sealable access windows over the water absorbent preparation. Thus,

MERCK-3006

based on the above remarks it is respectfully requested that the rejections under 35 USC §102 and §103be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Anthony Zelano/

Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicants

/Jennifer Branigan/

Jennifer J. Branigan, Reg. No. 40,921
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5308
Facsimile: 703-243-6410
Attorney Docket No.: MERCK-3006

Date: Jan 21, 2009

MERCK-3006